

AVAILABILITY OF HOUSING IMPROVEMENT PROGRAM
GRANT REPAYMENTS FOR PROGRAM OBLIGATIONS

Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 714, provided: "That hereafter, notwithstanding any other provision of law, amounts collected from grantees by the Secretary as grant repayments required under the Secretary's regulations for the Housing Improvement Program shall be credited in the year collected and shall be available for obligation under the terms and conditions applicable to the Program under that year's appropriation".

ALTERNATIVE METHODS FOR EQUITABLE DISTRIBUTION
OF SUPPLEMENTAL PROGRAM FUNDS; DEVELOPMENT,
PUBLICATION, ETC., OF FORMULA

Pub. L. 95-561, title XI, §1102, Nov. 1, 1978, 92 Stat. 2316, provided that:

"(a) The Secretary of the Interior shall develop alternative methods for the equitable distribution of any supplement program funds provided, pursuant to an appropriation under the Act of November 2, 1921, commonly referred to as the Snyder Act [this section], for contracting under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act [sections 452 to 457 of this title], and shall publish in the Federal Register by March 1, 1979, such alternatives for the purpose of allowing eligible tribes to comment by May 1, 1979. At that time, the Secretary shall conduct a field survey listing all alternative formula.

"(b) By July 1, 1979, the Secretary shall establish and publish the formula in the Federal Register which the majority of such tribes determine, but vote certified to the Secretary, to be most equitable and shall use such formula for purposes of distribution of the funds appropriated pursuant to such Act beginning on or after October 1, 1979. The Secretary shall, in accordance with procedures consistent with that prescribed herein, revise such formula periodically as necessary".

PAYMENTS FOR BASIC EDUCATIONAL SUPPORT GRANTS
OR CONTRACTS; AUTHORIZATION; TIME

Pub. L. 95-561, title XI, §1103(a), Nov. 1, 1978, 92 Stat. 2316, as amended by Pub. L. 96-46, §2(b)(1), Aug. 6, 1979, 93 Stat. 341, provided that payments for basic educational support grants or contracts for fiscal year 1978, including any fiscal year 1978 funds subsequently obligated in fiscal year 1979, were to be made under the authority of act Apr. 16, 1934, and set forth conditions, time, etc., for payments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13-1, 13a, 155b, 458cc, 861c, 903a, 1300i-1, 1616, 1616f, 1621, 1621a, 1621h, 1631, 1652, 1653, 1654, 1661, 1665c, 1809, 1813, 1912, 1933, 2306, 2808, 3303, 3322 of this title; title 20 section 2397e; title 40 App. section 214; title 42 section 1382.

**§ 13-1. Authorization of appropriations for funds
for basic educational support through parent
committees**

Such sums as are needed under section 13 of this title are authorized to be appropriated to provide funds for basic educational support through parent committees under the Act of April 16, 1934 [25 U.S.C. 452 et seq.], to those public schools educating Indian students and whose total sum of Federal, State, and local funds is insufficient to bring the education of the enrolled Indian students to a level equal to the level of education provided non-Indian students in the public schools in which they are enrolled where the absence of such support would result in the closing of schools or the reduction in quality of the education program afforded Indian students attending public schools.

(Pub. L. 95-561, title XI, §1103(b), Nov. 1, 1978, 92 Stat. 2316.)

REFERENCES IN TEXT

Act of April 16, 1934, referred to in text, is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 1530(a) of Pub. L. 95-561, set out as an Effective Date of 1978 Amendment note under section 1221e-3 of Title 20, Education.

§ 13a. Carryover funding

Notwithstanding any other provision of law, any funds appropriated pursuant to section 13 of this title, for any fiscal year which are not obligated or expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation or expenditures during such succeeding fiscal year. In the case of amounts made available to a tribal organization under a self-determination contract, if the funds are to be expended in the succeeding fiscal year for the purpose for which they were originally appropriated, contracted or granted, or for which they are authorized to be used pursuant to the provisions of section 450j-1(a)(3)¹ of this title, no additional justification or documentation of such purposes need be provided by the tribal organization to the Secretary as a condition of receiving or expending such funds.

(Pub. L. 93-638, §8, Jan. 4, 1975, 88 Stat. 2206; Pub. L. 100-472, title I, §105, Oct. 5, 1988, 102 Stat. 2287.)

REFERENCES IN TEXT

Section 450j-1(a)(3) of this title, referred to in text, was repealed and a new subsec. (a)(3) of section 450j-1 was added by Pub. L. 103-413, title I, §102(14)(C), Oct. 25, 1994, 108 Stat. 4257. See section 450j-1(a)(4) of this title.

AMENDMENTS

1988—Pub. L. 100-472 amended section generally. Prior to amendment, section read as follows: "The provisions of any other laws to the contrary notwithstanding, any funds appropriated pursuant to section 13 of this title, for any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450c, 450j-1 of this title.

**§ 13b. Payment of care, tuition, assistance, and
other expenses of Indians in boarding homes,
institutions, and schools; payment of rewards**

On and after October 12, 1984, funds appropriated under this or any other Act for the Bureau of Indian Affairs may be used for the payment in advance or from date or admission of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; and the payment of rewards for information or evidence concerning violations of law

¹ See References in Text note below.

on Indian reservation lands or treaty fishing rights use areas.

(Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

§ 13c. Source of funds to pay cost of lunches for nonboarding public school students

On and after October 12, 1984, any cost of providing lunches to nonboarding students in public schools from funds appropriated under this or any other Act for the Bureau of Indian Affairs shall be paid from the amount of such funds otherwise allocated for the schools involved without regard to the cost of providing lunches for such students.

(Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

§ 13d. Limits on use of appropriated funds by Bureau for general or other welfare assistance

After September 30, 1985, no part of any appropriation (except trust funds) to the Bureau of Indian Affairs may be used directly or by contract for general or other welfare assistance (except child welfare assistance) payments (1) for other than essential needs (specifically identified in regulations of the Secretary or in regulations of the State public welfare agency pursuant to the Social Security Act [42 U.S.C. 301 et seq.] adopted by reference in the Secretary's regulations) which could not be reasonably expected to be met from financial resources or income (including funds held in trust) available to the recipient individual which are not exempted under law from consideration in determining eligibility for or the amount of Federal financial assistance or (2) for individuals who are eligible for general public welfare assistance available from a State except to the extent the Secretary of the Interior determines that such payments are required under sections 6(b)(2), 6(i), and 9(b) of the Maine Indian Claims Settlement Act of 1980 (94 Stat. 1793, 1794, 1796; 25 U.S.C. 1725(b)(2), 1725(i), 1728(b)).

(Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 13d-1. Standards of need under AFDC as basis for general assistance payments by Bureau of Indian Affairs; ratable reductions

General assistance payments made by the Bureau of Indian Affairs after April 29, 1985, shall be made on the basis of Aid to Families with Dependent Children (AFDC) standards of need except where a State ratably reduces AFDC payments in which event the Bureau shall reduce general assistance payments in such State by the same percentage as the State has reduced the AFDC payment.

(Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 338.)

MAXIMUM ALLOWABLE PAYMENTS

Pub. L. 99-349, title I, July 2, 1986, 100 Stat. 732, provided in part: "That the levels established for general assistance by Public Law 99-88 (99 Stat. 388) [probably means Pub. L. 99-88, 99 Stat. 338, which enacted this section], are the maximum allowable payments."

§ 13d-2. Enrollment and general assistance payments

(a) In general

The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau has been making general assistance payments for at least 3 months (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—

(1) a college assisted by the Bureau under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801) or the Navajo Community College Act (85 Stat. 645; 25 U.S.C. 640a);

(2) an institution of higher education or a vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.]);

(3) a course the Secretary determines will lead to a high school diploma or an equivalent certificate; or

(4) other programs or training approved by the Secretary.

(b) Factors not to be considered

In determining the amount of general assistance provided by the Bureau of Indian Affairs, the Secretary of the Interior shall not include consideration of—

(1) additional expenses in connection with the study or training described in subsection (a) of this section, and

(2) the amount of any financial assistance received by the individual as a student or trainee.

(c) No effect on other eligibility requirements

This section does not alter any eligibility requirement for general assistance from the Bureau of Indian Affairs other than the requirement to be available for employment and to seek employment.

(Pub. L. 100-297, title V, § 5404, Apr. 28, 1988, 102 Stat. 416.)

REFERENCES IN TEXT

The Tribally Controlled Community College Assistance Act of 1978, referred to in subsec. (a)(1), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Navajo Community College Act, referred to in subsec. (a)(1), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, as amended, which is classified to section 640a et